

HAILEY ORDINANCE NO. 1275

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 17 OF THE HAILEY MUNICIPAL CODE, CHAPTER 17.04, ARTICLES B, C, D, E, F, G, L AND M TO REFERENCE NEW SUPPLEMENTAL REGULATIONS FOR ACCESSORY DWELLING UNITS AND TO DELETE REFERENCE TO MINIMUM LOT SIZE; AMENDING SECTION 17.05.040, DISTRICT USE MATRIX, TO PERMIT ACCESSORY DWELLING UNITS (ADUS) AS A PERMITTED USE IN THE LIMITED RESIDENTIAL-1 (LR-1) AND LIMITED RESIDENTIAL-2 (LR-2) ZONING DISTRICTS SUBJECT TO CRITERIA, INCLUDING DESIGN REVIEW, SETBACK AND BULK REQUIREMENTS; TO DELETE MINIMUM LOT SIZE REQUIREMENTS FOR LOTS CONTAINING ADUS; TO ESTABLISH LOT COVERAGE FOR THE LR-1 AND LR-2 ZONING DISTRICTS; AMENDING SECTION 17.06.010.A TO ESTABLISH A DESIGN REVIEW PROCESS FOR ADUS LOCATED OUTSIDE OF THE TOWNSITE OVERLAY; AMENDING CHAPTER 17.08, TO ESTABLISH A NEW ARTICLE D, SUPPLEMENTAL REGULATIONS FOR ADUS; AMENDING SECTIONS 17.09.020.05.B, 17.09.020.09.D, AND 17.09.040.01 TO ADDRESS PARKING REQUIREMENTS FOR ACCESSORY DWELLING UNITS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Commission and Council have determined that municipal code changes that expand housing opportunities in Hailey is a priority;

WHEREAS, the Council finds that the proposed changes to Accessory Dwelling Unit standards will encourage modest and necessary infill housing development to meet the needs of the community as contemplated in the 2010 Hailey Comprehensive Plan;

WHEREAS the changes proposed will address supplemental design and quality of life for Accessory Dwelling Units with the intent of reinforcing the following statements and goals contained within the Comprehensive Plan:

WHEREAS, the Hailey Comprehensive Plan calls for:

1. The City seeks to accommodate population growth through a balanced combination of two means, with one being “infill” development or redevelopment of existing land within the current City limits in accordance with existing zoning and density allowances without necessitating the use of density bonuses or waivers.
2. Land Use Implications of Population Growth Scenarios: ~~See~~ Impacts resulting from growth pressure, such as environmental degradation, inadequate social and infrastructure services, and loss of small-town character are concerns associated with unrestricted growth of the community; therefore, it is the responsibility of the city to plan for potential future population growth.
3. Social Diversity and Social Well-Being: Sustainable communities offer equal opportunity, social harmony, and mutual respect for a diverse population. Diversity means an inclusive community of people with varied human characteristics, ideas, and world-views and whose

interactions both benefit and challenge each other to grow. Such a community will:

- a. promote equity and equal opportunity
 - b. encourage interaction among diverse people to enrich life experience, promote personal growth and enhance the community
 - c. foster mutual respect, value differences and promote cross cultural understanding
 - d. attract and retain a diverse population thereby creating more diversity
4. While many factors influence both the existence and perception of discrimination and unequal treatment, income is an important element, as are education, occupational status and life expectancy.
 5. Affordable employee housing is a key element in the decisions of business owners to create new enterprises or expand their businesses. If affordable housing for employees to purchase and/or rent cannot be provided, it will limit the growth potential and sustainability of local businesses. To the extent that attractive, affordable housing is available, employees can better be recruited and retained.
 6. Productivity of the workforce improves when commutes are shortened.
 7. The ongoing local spending and taxes generated as a result of homes being occupied by the working community are significant.
 8. Long commutes are not only costly to the workers, but to the environment as well. Carbon emissions are reduced and air quality is improved when employees live close to work. In addition, fewer commuters will alleviate the demand for more highway lanes and asphalt.
 9. Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.

WHEREAS, essential public facilities and services are available to Accessory Dwelling Units without excessive public cost;

WHEREAS, the proposed accessory dwelling use is compatible with the surrounding area; and

WHEREAS, the Zoning text set forth in this ordinance will promote the public health, safety and general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Chapter 17.04 of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

17.04B.040: Accessory uses for the LR district are described in the district use matrix, section 17.05.040 of this title. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.

17.04C.040: Accessory Uses: Accessory uses for the GR District are described in the District Use Matrix, section 17.05.040 of this title. Supplemental Standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.

~~17.04C.050.B. Gross Floor Area of Detached Accessory Dwelling Units: Detached accessory dwelling units shall have a minimum gross floor area of three hundred (300) square feet and a maximum gross floor area of nine hundred fifty (950) square feet.~~

17.04D.040: Accessory Uses: Accessory uses for the NB District are described in the District Use Matrix, section 17.05.040 of this title. Supplemental Standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D, Accessory Dwelling Units.

17.04E.040: Accessory Uses: Accessory uses for the LB District are described in the District Use Matrix, section 17.05.040 of this title. Supplemental Standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D, Accessory Dwelling Units.

17.04F.040: Accessory Uses: Accessory uses for the TN District are described in the District Use Matrix, section 17.05.040 of this title. Supplemental Standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D, Accessory Dwelling Units.

17.04G.040: Accessory Uses: Accessory uses for the B District are described in the District Use matrix, section 17.05.040 of this title. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D, Accessory Dwelling Units.

17.04L.040: Accessory Uses: Accessory uses for the SCI District are described in the District Use Matrix, section 17.05.040 of this title. Supplemental Standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D, Accessory Dwelling Units.

17.04M.040: Use Restrictions: Permitted, conditional and accessory uses shall be the same as those uses in the underlying zoning district, except as follows:

One attached or detached accessory dwelling unit shall be allowed as an accessory use to a single-family dwelling, without consideration of underlying zoning district, ~~on lots of seven thousand (7,000) square feet or larger,~~ provided the bulk requirements set forth in section 17.04M.060 of this article are met.

17.04M.060.F. Accessory Dwelling Units: Accessory Dwelling Units shall have a minimum gross floor area of three hundred (300) square feet and a maximum gross floor area of one thousand (1,000) nine hundred (900) square feet. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D, Accessory Dwelling Units.

Section 2. Section 17.05.040 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

Category	Description (Excerpt)	RGB	LR-1	LR-2	GR	NB	LB	TN	B	LI	TI	A	SCI-SO	SCI-I
Accessory dwelling unit (ADU)	1 accessory dwelling unit on lots 7,000 square feet or larger; accessory to a single-family dwelling unit or to a nonresidential principal building. Primary vehicular access to any ADU shall be from a City street or alley. All accessory dwelling units shall have adequate water and sewer services installed to meet City standards	N	NA ² ₃	NA ² ₃	A ²³	A ²³	A ²³	A ²³	A ² ₃	N	N	N	A ²³	A ²³

BULK REQUIREMENTS

Category	Description (Excerpt)	RGB	LR-1	LR-2	GR	NB	LB	TN	B	LI	TI	A	SCI-SO	SCI-I
Building Height		35 ^{21,22}	30 ^{21,22}	30 ^{21,22}	35 ^{21,22}	30	35 ²⁴	35 ²⁴	35 ²⁴	35	35	See note 12	35	30 ^{21,22}
Minimum side yard setback		10	10 ^{3,19,20}	10 ^{3,19,20}	10 ^{3,7,19,20}	10 ^{7,19,20}	10 ^{7,19,20}	10 ^{7,19,20}	10 ^{7,19,20}	10 ^{11,19,20}	10 ^{11,19,20}	See note 12	10	10
Minimum side yard setback		10	10 ^{3,19,20}	10 ^{3,19,20}	10 ^{3,7,19,20}	10 ^{7,19,20}	10 ^{7,19,20}	10 ^{7,19,20}	10 ^{7,19,20}	10 ^{11,19,20}	10 ^{11,19,20}	See note 12	10	10
Total lot coverage	Total maximum coverage by all buildings, which includes accessory dwelling unit (percentage)	-	<u>40</u>	<u>40</u>	40	-	-	30 ¹⁰	-	75	75	See note 12	70	70

23. Accessory Dwelling Units (ADUs) are subject to Administrative Design Review or Design Review, depending on the zoning district and/or applicable overlay zones, and Supplementary Regulations. See chapters 17.06, Design Review and 17.08, Article D, for regulations.

Section 3. Section 17.06.010.A, Table 1, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

17.06.010.A. Design Review Approval or Exemption: No person shall build, develop or substantially remodel or alter the exterior of the following buildings without receiving design review approval or exemption pursuant to this chapter, as outlined in the matrix below:

TABLE 1
PROJECT TYPES

Type of Use	Exempt (PZ Chair And Administrator)	Hearings Examiner	Full PZ Review
New construction:			
All zones: Nonresidential buildings			X
All zones: Residential of 3 or more units			X
<u>All zones other than Townsite Overlay District: Accessory Dwelling Units</u>	X		
Townsite Overlay District: New single-family or duplex			X
Townsite Overlay District: Accessory structures <u>(including Accessory Dwelling Units)</u>			X

Section 4. Chapter 17.08, Supplementary Regulations, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

Article D. Accessory Dwelling Units

17.08D.010: Purpose and Intent

A. Purpose: The City of Hailey recognizes that land use, population growth, and community character are interrelated, and that social well-being and diversity are tied to the availability of an array of housing types and sizes available for sale and for rent at various price points. Accessory Dwelling Units, when thoughtfully designed, can simultaneously complement the fabric of existing neighborhoods, increase the supply of available housing, and sustainably accommodate population growth.

The purpose of this section is to address supplemental design and quality of life for Accessory Dwelling Units with the intent of reinforcing the preceding and following statements, which are reflective of statements and goals expressed in the Comprehensive Plan:

1. Hailey is a community that believes livability and quality of life can be maintained and

enhanced only with strong, diverse residential neighborhoods. Further, the community recognizes its identity to include being a place primarily comprised of full-time residents and being a community where the workforce can reside.

2. The City of Hailey seeks to accommodate population growth in a balanced manner, with “infill” development and redevelopment of existing lands in City limits being two strategies. Accessory Dwelling Units provide opportunities for infill development and redevelopment.
3. Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.

17.08D.020: Applicability

A. The standards of this section apply to all Accessory Dwelling Units created after <insert date of adoption of code amendments>, whether created by new construction, addition, or conversion of an existing building or area within an existing building.

17.08D.030: General Provisions

A. Accessory Dwelling Units may be located within, or attached to, a principal building or may be located within a detached accessory building. Detached Accessory Dwelling Units may comprise the entirety of the accessory building or may comprise part of the floor area of an accessory building with another permitted accessory use or uses comprising the remaining floor area.

B. Only one (1) Accessory Dwelling Unit is permitted on a lot.

C. Accessory Dwelling Units are only permitted in conjunction with single-family residences in residential zones. In the Townsite Overlay, Transitional and SCI zones Accessory Dwelling Units are permitted in conjunction with commercial buildings. In Business, Limited Business and Neighborhood Business one or more residential unit(s) are considered mixed-use.

D. Accessory Dwelling Units in the Special Flood Hazard Area (SFHA) shall have the top of the lowest floor elevated no lower than the flood protection elevation as defined in section 17.04J.020, "Definitions", of the Hailey Municipal Code. For new construction or substantial improvements in the SFHA, all applicable requirements of Article 17.04J. Flood Hazard Overlay District (FH) shall apply.

17.08D.040: Registration of Accessory Dwelling Units Required

A. All Accessory Dwelling Units created after <insert date of adoption of code amendments> shall be issued an Accessory Dwelling Unit Compliance Certificate.

17.08D.050: Occupancy Restrictions – Short Term Occupancy

A. Where a lot contains both a primary dwelling unit and an Accessory Dwelling Unit, only one dwelling unit shall be utilized for Short-Term Occupancy; and

B. When one dwelling unit is utilized for Short-Term Occupancy the other unit shall be owner-occupied or utilized as a long-term rental, with long-term occupancy being a period of thirty-one (31) days or more.

17.08D.060: Subordinate Scale and Size

A. Scale: The floor area of an Accessory Dwelling Unit (ADU) is limited to no more than 66% of the gross square footage of the principal building, or the maximum floor area permitted for an ADU based on the lot size or zone, whichever is less.

B. Maximum floor area:

<u>Lot Size (square feet)</u>	<u>Minimum Gross Floor Area (square feet)¹</u>	<u>Maximum Gross Floor Area (square feet)¹</u>
<u>Up to 7,000</u>	<u>300</u>	<u>900</u>
<u>7,001 – 8,000</u>	<u>300</u>	<u>950</u>
<u>Lots 8,001 and greater</u>	<u>300</u>	<u>1,000</u>

1. Gross square footage calculations for Accessory Dwelling Units does not include exterior, uncovered staircases. Interior staircases and circulation corridors are included.

C. Number of bedrooms: Accessory Dwelling Units may have a maximum of two (2) bedrooms.

17.08D.070: Livability

A. Outdoor Access: All Accessory Dwelling Units shall have a designated area to access the outdoors. Examples include a balcony, porch, deck, paver patio, or yard area delineate by fencing, landscaping, or similar treatment so as to provide for private enjoyment of the outdoors. This area shall be no less than 50 square feet in size. The Outdoor Access area shall be approved through the Design Review process.

Section 5. Chapter 17.09, Parking and Loading, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

17.09.020.05.B: Parking areas and driveways for single-family, accessory dwelling unit, and duplex residences may be improved with compacted gravel or other dustless material.

17.09.020.09.D. Mitigation for Accessory Dwelling Unit parking spaces: Parking stalls for Accessory Dwelling Units shall be reviewed to assess light trespass into residential indoor living areas on adjacent properties. Mitigation measures may include fencing, landscaping, screening, landscape walls, and similar treatments.

17.09.040.01:


Accessory dwelling units and all dwellings less than 1,000 square feet	Accessory Dwelling Units require one (1) parking space per unit. <u>A site developed with both a primary dwelling less than 1,000 square feet in size and an Accessory Dwelling Unit shall provide a minimum of 2 spaces. Parking for Accessory Dwelling Units must be provided on site. Existing parking in excess of the required parking for a single-family unit shall count towards the total required parking.</u>
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Section 6. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 7. Repealer Clause. All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 8. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 25th DAY OF January, 2021.


Martha Burke, Mayor, City of Hailey

Attest:


Mary Cone, City Clerk

